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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEONEL HERNANDEZ,

Defendant.

CASE NO. 1:24-CR-00248-NODJ-BAM

STIPULATION AND PROTECTIVE ORDER
(ATTORNEY'S EYES ONLY)

WHEREAS, the discovery in this case involves information, including documentation, photographs, audio recordings, and video recordings, related to alleged victims whose private financial and personally identifiable information may be compromised if such information were disclosed (the "Protected Information"); and

WHEREAS, the parties desire to have the Protected Information produced to undersigned defense counsel;

The parties agree that entry of a stipulated protective order is appropriate.

THEREFORE, LEONEL HERNANDEZ, ("Defendant"), by and through his counsel of record, John Garland ("Defense Counsel"), and the United States of America, by and through Assistant United States Attorney Chan Hee Chu, hereby agree and stipulate as follows:

1. This Court may enter a protective order pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure, and its general supervisory authority.

2. This Order pertains to the Protected Information. This Order also relates to any verbal communications between the government and Defense Counsel.

3. By signing this Stipulation and Protective Order, Defense Counsel agrees not to share any documents, recordings, or other information, verbal or written, that contain Protected Information with anyone other than defense investigators and support staff. Defense Counsel may not permit Defendant to review unsupervised un-redacted documents, recordings, or other information subject to this protective order. The parties agree that Defense Counsel, defense investigators, and support staff (the “defense team”) shall not allow Defendant or anyone else outside of the defense team to copy or retain Protected Information contained in the discovery. Defense counsel may permit Defendant to review and possess discovery if it is redacted of protected information.

4. The discovery and information therein may be used only in connection with the litigation of this case and for no other purpose. Defense Counsel will return the discovery to the government or certify that it has been destroyed at the conclusion of the case, taking into account defense counsel’s ethical obligations.

5. Defense Counsel will store the discovery in a secure place and will use reasonable care to ensure that it is not disclosed to third persons in violation of this agreement.

6. Defense Counsel shall be responsible for advising Defendant, employees, other members of the defense team, and defense witnesses of the contents of this Stipulation and Order.

7. In the event that Defendant substitutes counsel, undersigned Defense Counsel agrees to withhold discovery from new counsel *unless and until* substituted counsel agrees also to be bound by this Order.

8. Defense Counsel reserves the right to later seek to have the terms of this Order modified or revoked. Defense Counsel agrees to return the discovery to the Government in its complete form if the

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terms of this Order are modified or revoked if so requested by the United States.

IT IS SO STIPULATED.

Respectfully submitted,

PHILLIP A. TALBERT
United States Attorney

Date: November 6, 2024

/s/ Chan Hee Chu
CHAN HEE CHU
Assistant United States Attorney
Attorney for Plaintiff

Date: November 6, 2024

/s/ John Garland
JOHN GARLAND
Attorney for Defendant
LEONEL HERNANDEZ

ORDER

IT IS SO ORDERED.

Dated: November 7, 2024

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE